

agents and employees to deliver freight, goods, wares and merchandise on the payment of the freight charges due as shown by the bill of lading, and to provide penalties for the violation of this act." Bill read second time, with committee amendments.

Senator Henderson moved the previous question. Motion seconded, and main question ordered.

First committee amendment lost by the following vote:

YEAS—12.

Cooper,	McLane,	Ross,
Davenport,	Moore,	Stewart,
Davis,	Patton,	Swain,
Houston,	Rainey,	Weatherred.

NAYS—10.

Buchanan,	Henderson,	McDonald,
Burges,	Hightower,	Shannon,
Burton,	Homan,	Stubbs,
Duncan,	Lair,	Tilson,
Gooch,	Martin,	Wynne.
Harris,		

Senator Henderson raised the point of order that the Senate was acting under the previous question, and debate was not in order.

Senator Duncan raised the point of order that the motion on the previous question was general, and applied only to first amendment. Sustained.

Second committee amendment was adopted by the following vote:

YEAS—27.

Buchanan,	Hightower,	Ross,
Burges,	Houston,	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Martin,	Stubbs,
Davis,	McLane,	Swain,
Duncan,	McDonald,	Terrell,
Gooch,	Moore,	Tilson,
Harris,	Patton,	Weatherred,
Henderson,	Rainey,	Wynne.

NAYS—2.

Burton, Homan.

Senator Henderson moved the previous question on passage of bill to third reading. Motion seconded and main question ordered.

Bill passed to third reading by the following vote:

YEAS—21.

Buchanan,	Hightower,	Ross,
Burges,	Homan,	Shannon,
Cooper,	Houston,	Stubbs,
Duncan,	Lair,	Swain,
Gooch,	Martin,	Terrell,
Harris,	McDonald,	Tilson,
Henderson,	Patton,	Wynne.

NAYS—8.

Burton,	McLane,	Stewart,
Davenport,	Moore,	Weatherred.
Davis,	Rainey,	

Senator Duncan moved to suspend the rules to take up House bill No. 4, being a railroad bill. Lost by the following vote:

YEAS—19.

Buchanan,	Homan,	Shannon,
Cooper,	Lair,	Stubbs,
Duncan,	Martin,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Rainey,	Wynne.
Hightower,		

NAYS—10.

Burges,	Houston,	Ross,
Burton,	McLane,	Stewart,
Davenport,	Moore,	Weatherred.
Davis,		

Senator Homan moved to suspend the rules to take up House bill 59, for the relief of liquor dealers in counties where the local option law has been adopted.

12a

Adopted, and bill taken up by the following vote:

YEAS—20.

Buchanan,	Hightower,	Ross,
Burges,	Homan,	Shannon,
Burton,	Houston,	Stewart,
Cooper,	Lair,	Stubbs,
Davenport,	Martin,	Swain,
Davis,	McLane,	Terrell,
Duncan,	McDonald,	Tilson,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.
Henderson,	Rainey,	

NAYS—none.

Bill passed to third reading.

On motion of Senator Homan, rules were suspended to read bill the third time, by the following vote:

YEAS—27.

Buchanan,	Henderson,	Rainey,
Burges,	Homan,	Ross,
Burton,	Houston,	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Martin,	Stubbs,
Davis,	McLane,	Swain,
Duncan,	McDonald,	Terrell,
Gooch,	Moore,	Tilson,
Harris,	Patton,	Weatherred.

NAYS—2.

Hightower, Wynne.

Bill read third time and passed by the following vote:

YEAS—28.

Buchanan,	Homan,	Ross,
Burges,	Houston,	Shannon,
Burton,	Lair,	Stewart,
Cooper,	Martin,	Stubbs,
Davenport,	McLane,	Swain,
Davis,	McDonald,	Terrell,
Duncan,	Moore,	Tilson,
Gooch,	Patton,	Weatherred,
Harris,	Rainey,	Wynne.
Henderson,		

NAYS—1.

Hightower.

On motion of Senator Henderson, the Senate adjourned till 9:30 a. m. to-morrow by the following vote:

YEAS—15.

Burges,	Houston,	Rainey,
Burton,	Lair,	Ross,
Davenport,	McLane,	Stewart,
Davis,	Moore,	Swain,
Henderson,	Patton,	Weatherred.

NAYS—14.

Buchanan,	Hightower,	Stubbs,
Cooper,	Homan,	Terrell,
Duncan,	Martin,	Tilson,
Gooch,	McDonald,	Wynne.
Harris,	Shannon,	

TWENTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, May 5, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by Rev. Dr. Smoot, Chaplain.

On motion of Senator Burton the reading of the journal of yesterday was dispensed with.

The President signed the following bills: House bill No. 66 "An act making appropriations for the support of the State government for the period of time beginning March 1, 1882, and ending February 28, 1883.

House joint resolution No. 2, providing for an election to be held for the locating of a branch of the University for the instruction of the colored youths of the State,

House bill No. 44, "An act to provide for supplying the public buildings and grounds of the State with water."

Senator Ross, for conference committee of the two houses on the differences arising upon Senate amendments to House bill No. 97, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 5, 1882.

Hon. L. J. Storey, President of the Senate, and Hon. Geo. R. Reeves, Speaker of the House of Representatives:

Your conference committee, to whom was referred the differences between the two houses on Senate amendments to substitute House bill No. 97, beg leave to report and recommend as follows:

First—That the House concur in the third and fifth amendments.

Second—That the fourth amendment be amended by striking out "\$3500," and inserting in lieu thereof "\$2500," and that as amended the House and Senate concur.

L. S. ROSS,

JNO. M. DUNCAN,

A. W. TERRELL,

Senate Committee.

Geo. W. L. FLY,

FRED. CARLETON,

B. M. BAKER,

On part of House.

On motion of Senator Ross, the report of the committee was adopted by the following vote:

YEAS—23.

Buchanan,	Houston,	Stewart.
Burton,	Lair,	Stubbs,
Davenport,	Martin,	Swain,
Gooch,	McLane,	Terrell,
Harris,	McDonald,	Tilson.
Henderson,	Moore,	Weatherred,
Hightower,	Rainey,	Wynne.
Homan,	Ross,	

NAYS—3.

Duncan,	Davis,	Shannon.
---------	--------	----------

Senator Patton, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 4, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute Senate bill No. 49, "An act to provide for the sale of all land heretofore surveyed, and that may be hereafter surveyed and set apart for the benefit of the common school fund," and find the same correctly engrossed.

PATTON, Chairman.

Senator Duncan introduced the following concurrent resolution:

Resolved by the Senate, the House of Representatives concurring, That the resolution heretofore adopted requiring a sine die adjournment at 12 m. this day be and the same is hereby rescinded, and that the two houses stand adjourned at 6 o'clock p. m. this day.

Senator Wynne moved to amend by striking out "at 6 o'clock."

Senator Homan moved the previous question on amendment and resolution. Motion seconded and main question ordered.

Senator Wynne's amendment was lost by the following vote:

YEAS—14.

Cooper,	Homan,	Stewart,
Duncan,	Lair,	Swain,
Harris,	Martin,	Weatherred,
Henderson,	McDonald,	Wynne.
Hightower,	Shannon,	

NAYS—15.

Buchanan,	Gooch,	Rainey,
Burges,	Houston,	Ross,
Burton,	McLane,	Stubbs,
Davenport,	Moore,	Terrell,
Davis,	Patton,	Tilson.

A message was received from the House informing the Senate that that body had passed Senate bill No. 25, "An act to authorize the Secretary of State to purchase for the use of the State the Texas Reports, and to contract for the relinquishment of the copyright of said reports with the persons owning the same, and to prevent the copyrighting

of future volumes of said reports, to the exclusion of the State."

Senator Duncan's resolution was adopted by the following vote:

YEAS—18.

Buchanan,	Henderson,	Stubbs,
Burges,	Hightower,	Swain,
Cooper,	Homan,	Terrell,
Duncan,	Martin,	Tilson,
Gooch,	McDonald,	Weatherred,
Harris,	Shannon,	Wynne.

NAYS—11.

Burton,	Lair,	Rainey,
Davenport,	McLane,	Ross,
Davis,	Moore,	Stewart.
Houston,	Patton,	

The following message was received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, May 5, 1882. }

To the Honorable Senate and House of Representatives in Legislature assembled:

I respectfully herewith submit to you the communication of the Hon. W. C. Walsh, in relation to the sale of the public free school lands, as provided in section 8, in chapter 105 of the general laws passed at the last session of the Legislature (page 121), under which the said lands will be sold at a ruinous sacrifice and loss of interest. My attention has never been called to this provision until late in the day of yesterday, and it is regarded to be of extreme importance that this law should be amended so that the interest should accrue on the whole amount due upon the sale of said land, instead of upon the annual installment, as therein provided.

It is also shown to be very necessary that some further action should be taken in regard to the sale of the pine lands belonging to the public free schools.

I beg leave also to call attention to the fact that there is no law providing for the sale, leasing or other disposition of the 1,000,000 acres of University lands. As this Legislature provided for the location and organization of the University, and as the Board of Regents are awaiting your action before determining what they can or should do in the provision for its establishment, it would seem to be proper to utilize those lands as soon as practicable. It is believed that it can now be done.

Said board will be much restricted in their efforts if the bonds issued in 1867 (heretofore styled bonds of doubtful validity) should not be declared valid and the interest thereon be allowed and put into bonds so far as it belongs to the permanent fund, and appropriated so far as it belongs to the available fund of the University.

A corresponding benefit might be given to the common school fund by paying back to it the money heretofore used by being turned over to the general revenue.

By such means both of these funds might now be properly adjusted, so as to have the amounts of money restored that have heretofore been taken from them.

It is respectfully suggested that the work of the Seventeenth Legislature, in their laudable efforts to augment these funds for the promotion of education, will be incomplete if the matters here referred to are not acted upon during the present session. I therefore recommend that it be done, if practicable and consistent with your judgment of its propriety.

I have not been furnished with the letter of the Commissioner of the General Land Office, as expected.

Respectfully submitted,
O. M. ROBERTS, Governor.

The Senate went into executive session, this being the hour appointed for that business.

(In Senate.)

Senator Cooper moved that the Governor be notified that the Senate advised and consented to the notaries public as contained in message of the fourth instant.

Senator Henderson called up substitute Senate bill No. 35, with House amendments.

Senator Henderson moved that the Senate concur in House amendment. Adopted.

Senator Buchanan, chairman of Educational Committee, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 5, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Educational Affairs have considered Senate

bill entitled "An act to lease University lands," and I am instructed to report the same back to the Senate recommending its passage.

BUCHANAN, Chairman.

Senator Buchanan moved to suspend rules to read Senate bill No. 51 second time, "An act to lease University lands." Rules suspended by the following vote:

YEAS—22.

Buchanan,	Houston,	Ross,
Davenport,	Lair,	Shannon,
Duncan,	Martin,	Stewart,
Gooch,	McLane,	Stubbs,
Harris,	McDonald,	Tilson,
Henderson,	Moore,	Weatherred,
Hightower,	Rainey,	Wynne.
Homan,		

NAYS—1.

Davis.

Bill read second time and ordered engrossed.

Senator Buchanan moved to suspend the rules and place bill on its third reading. Adopted by the following vote:

YEAS—25.

Buchanan,	Houston,	Ross,
Burton,	Lair,	Shannon,
Davenport,	Martin,	Stewart,
Duncan,	McLane,	Stubbs,
Gooch,	McDonald,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Rainey,	Wynne
Homan,		

NAYS—1.

Davis.

Bill read third time and passed by the following vote:

YEAS—23.

Buchanan,	Lair,	Shannon,
Burton,	Martin,	Stewart,
Gooch,	McLane,	Stubbs,
Harris,	McDonald,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Rainey,	Wynne.
Houston,	Ross,	

NAYS—2.

Davis,

Duncan.

Message from the House, giving notice of the passage by that body of substitute Senate bill No. 19, "An act to amend section 8 of an act to amend the caption and sections 1, 2, 3, 4, 5, 6, 7 and 8 of an act entitled 'an act to provide for the sale of alternate sections of lands in unorganized counties, as surveyed by railroad companies, and other works of internal improvements, and set apart for the benefit of the common school fund, to provide for the investment of the proceeds of such sale and repeal all laws in conflict therewith, approved July 8, 1879,' and to provide for the sale of such land in unorganized counties."

Also, that the House had adopted the following concurrent resolution:

Be it resolved by the House of Representatives, the Senate concurring, That a committee of three members of each house, acting with a like committee on part of the Senate, be appointed by the presiding officer of each body respectively, for the purpose of informing his Excellency, the Governor, that this special session of the Seventeenth Legislature will adjourn this day at 12 m.

And that Messrs. Daniels, Linn and Upton have been appointed as such committee on part of the House.

On motion of Senator Gooch the resolution just reported was taken up by the Senate.

Senator Gooch moved to amend by striking out "12 o'clock" and inserting "6 o'clock."

Adopted, and resolution as amended adopted by the following vote:

YEAS—19.

Buchanan,	Harris,	Homan,
Burges,	Henderson,	Houston,
Gooch,	Hightower,	McDonald,

Moore,	Stubbs,	Tilson,
Patton,	Swain,	Weatherred,
Rainey,	Terrell,	Wynne.
Ross,		

NAYS—8.

Cooper,	Duncan,	McLane,
Davenport,	Lair,	Shannon.
Davis,	Martin,	

The President appointed on said committee on the part of the Senate Senators Burges, Houston and Tilson.

The following message was received from his Excellency, the Governor:

EXECUTIVE OFFICE,
AUSTIN, May 5, 1882.

To the Honorable Senate and House of Representatives in Legislature assembled:

I herewith return a list of the bills passed and approved during the present session up to this date, May 5, 1882 (at 10:45 o'clock a. m.)

Respectfully, etc.,

O. M. ROBERTS, Governor.

House bill No. 7, An act making an appropriation for mileage and per diem pay of members and per diem pay of officers and employees of the call session of the Seventeenth Legislature.

Approved April 11, 1882.

House bill No. 12, An act making an appropriation to defray the contingent expenses of the Seventeenth Legislature, convened on April 6, 1882, in extra session, by proclamation of the Governor.

Approved April 11, 1882.

House bill No. 31, An act to provide temporary rooms for the Supreme Court, Court of Appeals, the Commissioners of Appeals and the Law Library of the State, at Austin.

Approved April 11, 1882.

Senate bill No. 5, An act to amend article 4256, of the Revised Statutes of the State of Texas.

Approved April 14, 1882.

Senate bill No. 9, An act to extend the time within which all persons whose lands have been sold for taxes and bought in by the State may redeem the same.

Approved April 20, 1882.

Substitute House bill 43, An act to repeal all laws granting land or land certificates to any person, firm, corporation or company, for the construction of railroads, canals and ditches.

Approved April 22, 1882.

Senate bill No. 38, An act to provide temporary shelter for the lunatics in the asylum, rendered necessary by the recent burning of one of the Lunatic Asylums.

Approved April 25, 1882.

Senate bill No. 39, An act to authorize district judges to fix times for holding courts in newly organized counties.

Approved April 25, 1882.

House joint resolution No. 1, Joint resolution authorizing the Board of Statistics to apply such portion of the existing appropriation as may be necessary for the payment of statistical clerks.

Approved April 27, 1882.

House bill No. 73, An act to attach the unorganized county of Crockett to the county of Kinney, for judicial purposes.

Approved April 28, 1882.

Senate bill No. 42, An act to provide for running and marking the boundary line between the State of Texas and the Territory of the United States from the northeast corner of said State to the degree of longitude one hundred west from London and twenty-three degree west from Washington, as said line is described in the treaty between the United States and Spain of February 22, 1819, and for the payment of the expenses of such survey.

Approved May 2, 1882.

House bill No. 56, An act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032, of chapter 5, title 26, of the Revised Civil Statutes of the State of Texas, approved February 21, 1879.

Approved May 3, 1882.

Senate bill No. 40, An act to amend title 4 of the Revised Civil Statutes of the State of Texas, and to reapportion the State into senatorial and representative districts.

Approved May 3, 1882.

Senate bill No. 26, An act to provide for the destruction of certain engraved bonds of the State, which were never used, engraved under acts approved August 5, 1870, and April 21, 1879, and to make an appropriation therefor.

Approved May 4, 1882.

Substitute House bill No. 23, An act to amend article 3602, chapter 10, title 71, of the Revised Civil Statutes of the State of Texas, relating to the hiring of county convicts.

Approved May 4, 1882.

Substitute Senate bill No. 43, An act to provide for temporary

capitol buildings for the use of the several departments and branches of the State government, and to make an appropriation therefor.

Approved May 4, 1882.

House bill No. 51, An act to amend articles 4662, 4664 and 4665, chapter 1, title 95, of the Revised Statutes, as amended March 24, 1881.

Approved May 4, 1882.

Senate bill No. 41, An act to ascertain the deficiencies of the several departments of the State government for the year ending February 28, 1882, and for previous years, and amounts due individuals, and to make appropriations to pay the same.

Approved May 4, 1882.

House joint resolution No. 2, providing for an election to be held for the location of a branch of the University for the instruction of the colored youths of the State.

Approved May 5, 1882.

The President laid before the Senate Senate bill No. 44, "An act to extend the time for the levy and sale of personal property for the failure to pay taxes for the year 1881, until October 1, 1882," with an unfavorable report from the committee.

On motion of Senator Houston, the report of the committee was adopted, and bill lost.

The following concurrent resolution was received from the House:

Resolved by the Senate, the House concurring, That the resolution heretofore adopted requiring a sine die adjournment at 12 o'clock m. this day, be and the same is hereby rescinded, and that the two houses stand adjourned sine die at 6 o'clock p. m. this day.

With amendment striking out "6" and inserting "3."

Senator Gooch moved to suspend pending business to take up resolution just read. Adopted, and resolution taken up.

Senator Gooch moved that the Senate concur in the House amendment. Adopted.

Senator Duncan entered a motion to reconsider the resolution appointing a committee to inform the Governor of the adjournment of the extra session of the Seventeenth Legislature, and motion to reconsider. Adopted.

Senator Duncan moved to amend by substituting 3 o'clock for 6 o'clock. Adopted, and resolution adopted.

Senator Gooch offered the following resolution:

Resolved, That the engrossing and enrolling committees employ such aid in their respective departments as may be necessary, to the end of the session.

Adopted.

Senator Duncan offered the following resolution:

Resolved, That Wm. Fitzhugh be allowed, out of the contingent fund, the sum of \$10, for two days work in Senate chamber prior to the beginning of this session.

Adopted.

The President gave notice of the signing of House bill No. 59, "An act for the relief of liquor dealers in sections where local option has been adopted."

Also, House bill No. 27, "An act to provide for the publication and binding of 1000 copies of the Revised Statutes and to make appropriations therefor."

The President invited the Hon. J. D. Sayers to a seat upon the floor of the Senate, which was accepted.

Senator Homan moved the previous question on pending bill, substitute House bill No. 4, "to provide for a board of Railroad Commissioners, to prescribe their duties and powers, and fix their salaries." Motion seconded and main question ordered.

Bill passed to third reading by the following vote:

YEAS—17.

Buchanan,	Hightower,	Stubbs,
Cooper,	Homan,	Swain,
Duncan,	Martin,	Terrell,
Gooch,	McDonald,	Tilson,
Harris,	Rainey,	Wynne,
Henderson,	Shannon,	

NAYS—12.

Burges,	Houston,	Patton,
Burton,	Lair,	Ross,
Davenport,	McLane,	Stewart,
Davis,	Moore,	Weatherred,

Senator Gooch moved to suspend the rules to read bill third time. Lost by the following vote:

YEAS—17.

Buchanan,	Hightower,	Stubbs,
Cooper,	Homan,	Swain,
Duncan,	Martin,	Terrell,
Gooch,	McDonald,	Tilson,
Harris,	Rainey,	Wynne,
Henderson,	Shannon,	

NAYS—12.

Burges,	Houston,	Patton,
Burton,	Lair,	Ross,
Davenport,	McLane,	Stewart,
Davis,	Moore,	Weatherred,

Senators Duncan, Homan, Buchanan, Shannon and Stubbs asked leave to spread their reasons on the journals of the Senate. Granted.

Under Senate rule No. 48, which reads as follows: "Any member shall have liberty to dissent from any act or resolution which he may think injurious to the public or an individual, and have the reason for dissent entered on the journal." I enter this protest against the action of the Senate this day in refusing to suspend the rules to take up a House bill providing for a railroad commission to investigate railroad abuses and report the result of their inquiries to the next session of the Legislature. In order to understand the reasons for dissent, a history of railroad legislation at this session is necessary. Such commission was recommended by the Governor, bills on the subject were introduced in both houses early in the session. Every attempt to pass a law regulating railroads has been met at this session by the assertion that the Legislature is in the dark as to railroad matters, and can take no action which might not prove greatly injurious to these corporations, because of our want of a clear understanding of their workings, and that (and this argument has always been in the front, a railroad commission would be provided for at this session, to investigate and give light to the next Legislature; so that they might act on the matter in full view of all the facts.

Much valuable legislation has, on this specious promise, been defeated, but what is the outcome? The House has defeated the Senate commission bill, or rather action has not been reached upon the bill. Now, on this the last day of the session, the House bill lays on the President's desk, having by a vote of 19 to 10 been passed to a third reading. It was the last hope of a majority of this house, yet it is defeated by a minority of ten who refuse to vote to suspend the rules requiring it to be read on three several days.

So that it is lost because a four-fifths majority cannot be obtained to bring the matter within the power of a majority vote. Nineteen of the thirty-one members here favor the passage of this bill and if they could have an opportunity to vote for its passage it would immediately become a law, as this is its last stage on its passage. No doubt but that the Governor would sign it, for he has recommended it.

It is said that to pass it now would be too hasty. Too hasty. Has not near one-half of the valuable time of this thirty-day session been employed in discussing these railroad measures? The question of a railroad commission has not been quiet in these halls a single day. We will not act because we don't understand, and we will not understand. We have often heard that none are so blind as those who will not see. We are to leave the next Legislature as blind as we are. As a citizen and as a representative of the people of my district, I protest against this action.

JOHN M. DUNCAN.

We heartily join in the above.

JOHN C. BUCHANAN,
W. R. SHANNON,
W. K. HOMAN,
J. B. STUBBS.

Senator Terrell rose to a personal explanation as to the position certain newspapers had endeavored to place him in, from the misconception those newspapers, or their reporters, had put upon some remarks he made in reference to Hon. G. W. Jones. Senator Terrell said he esteemed Hon. G. W. Jones as a true friend and a gentleman of ability, but never approved of his independent course in

politics, and that he had canvassed in opposition to him, and would again if necessary.

On motion of Senator Houston the Senate took a recess of half an hour.

(Recess expired.)

The President gave notice of signing and signed substitute House bill No. 97, "An act to provide for the supervision and management of the construction of the new State capitol building, and to make an appropriation therefor."

A message was received from the House announcing that the House had refused to concur in first committee amendment to House bill No. 84, and concurred in second and third committee amendments to same bill, and asks for committee to confer with House committee.

Senator Duncan, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 5, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 51, "An act providing for leasing the University lands," and find the same correctly engrossed.

DUNCAN, for Committee.

Senator Houston moved that a committee be appointed on the part of the Senate to act with the House committee on disagreements of House bill No. 84.

Senator Duncan moved that the Senate recede from its first committee amendment to House bill No. 84.

Senator Lair moved the previous question on bill and amendments. Motion seconded, and main question ordered. Motion to recede lost by the following vote:

YEAS—9.

Burton,	Houston,	Moore,
Davenport,	Lair,	Ross,
Davis,	McLane,	Stewart.

NAYS—18.

Buchanan,	Homan,	Stubbs,
Duncan,	Martin,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Rainey,	Weatherred,
Hightower,	Shannon,	Wynne.

Senator Stubbs' motion to insist was adopted by the following vote:

YEAS—18.

Buchanan,	Homan,	Stubbs,
Burges,	Houston,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—7.

Cooper,	Duncan,	Ross,
Davenport,	Lair,	Shannon.
Davis,		

Senator Houston moved a conference committee, with powers of free conference, be appointed by the Senate to act with a like committee from the House. Senators Houston, Terrell and Stubbs were appointed on Senate committee.

On motion of Senator Tilson, the Senate adjourned to two o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Senator Duncan moved a recess of five minutes, subject to call of the President.

Senator Martin took the chair and called the Senate to

order, when the Lieutenant-Governor presented to Colonel J. P. C. Whitehead, on the part of the Senators, officers and employees, a beautiful cane, with the following remarks:

COL. WHITEHEAD, AND MR. CHAIRMAN: I am requested by the Senators, officers and employees to perform a very pleasant duty, which I now proceed to do. It is to present to you, Col. Whitehead, this beautiful cane, as a slight token of the esteem in which you are held by the Senators, officers and employees of this Senate. They each and all testify that, since your election to the office of Secretary of the Senate, in 1878, you have been faithful in the discharge of every duty, and have performed each and every one to their entire satisfaction. And in their name I now ask you to accept their offering.

Colonel Whitehead accepted the handsome gift in the following eloquent words:

MR. PRESIDENT—There are times in the lives of each and all of us when words falter on our lips, very beggars for suitable phrases with which to express the feelings of the heart. If such a time ever arrived in the life of any one, it surely has in mine to day. This demonstration of your kindness arouses profoundest emotions, and I appreciate it all the more because it comes from those whom I have esteemed for fidelity to duty, their love of country, for their worth as citizens, and their chivalry as men. This, sir, will note an era in my life, and in after years to it I will look back, and from it date subsequent events as did the Greek from his first olympiad, or the Roman *ab urbe condita*. You have, in what you have so eloquently and chastely said, been pleased to refer in terms of kindest encomium to the manner in which I have discharged the duties of Secretary of this Senate. Coming to the position unused to parliamentary proceedings and unacquainted with the details of the office, all through the two terms in which I have served I have been sensible of, as I am to-day oppressed by, the reflection that I have left undone many things that I ought to have done, and done many things that I ought not to have done; and yet, sir, from the day on which you, as a member of the Senate of the Seventeenth Legislature, nominated me for the position including my unanimous election, at the suggestion of my friend, the distinguished Senator from Boxer for the present term, I have been the recipient of naught save kindness at the hands of those with whom I have been associated, and kindness, too, far beyond my deserts. It is to me a proud satisfaction that you who could not flatter if you would, and would not if you could; you who have known me during the entire term of my service have found in my course that which you could commend. Such a testimonial possesses an inherent value which will inspire to noble deeds in life, and as the smile of sunset will mellow the twilight which gathers around the tomb.

In the beginning of the present century a great battle was fought on the plains of the Danube. A determined charge on the Austrian center gained the victory for France. The courage of a private soldier, who there fell, contributed much to the success of the charge. Ever after at the parades of his battalion the name of Latour d'Auvergne was first called, when the oldest sergeant of the line stepped to the front and answered, "He died upon the field of glory and at the post of duty."

Al, sir, what matters it though we fail in life if we have the assurance that we have well played our part, and at its close can solace ourselves in the possession of a consciousness of the rectitude of our intentions. Truly, sir, duty is the sublimest word in our language.

But not alone because of the approval of the Senate do I feel and appreciate this tribute to the humble effort I have made in its service, but especially felicitate myself on the reflection that, though occupying a subordinate position, an honest effort to promote the interest, and as far as in my power lay to contribute to the advancement of Texas, is hereby acknowledged. There is no greater source of pride to the patriot than that which insures the approval of his associates.

And there are, sir, peculiar reasons for congratulation to him who, acting upon this field, becomes a factor in its enprise of moral growth and national development. Texas to day is making gigantic strides to glory and renown. Famed for the fertility of its soil, the geniality of its climate, the chivalry of its sons and the beauty of its daughters, already it has assumed a front rank in this great confederacy of States—a confederacy as distinct as the waves, yet one as the sea. Already the locomotive, as it reaches the last terminal point to the westward, sounds at once the advanced note of a new civilization, and the farewell signal to departing savagery.

The smoke of the engine takes the place of that of the wigwag, the iron track the Indian trail, and the busy hum of commercial activity cheers where but recently the warwhoop terrified. School-houses dot our prairies, and temples dedicated to the Most High God speak of a civilization worthy of the fathers of '36, which causes the

wilderness to bloom and blossom as the rose, and is bringing to our midst a tide of emigration to swell our population, cultivate our soil, fell our forests and increase our strength. And sir, when I remember that Ward and his gallant battalion; that Fannin, Lamar, and a host of worthies, who fought for Texas independence and have illustrated Texas history; that later there was a regiment which contributed its share to make for Hood's Brigade a name and fame unsurpassed in all the annals of time, and which has rendered it immortal, I will be adjudged sincere when I avow that the honor and glory of Texas will ever inspire in me the most jealous regard; for like you, sir, and them, when my eyes first opened on this green earth, and my infant lips first learned to lip the holy sacred words of home and native land, it was beneath the genial rays of a southern sun and upon the soil of Georgia.

Yes, methinks in the future as some Cressy shall write of the decisive battles of the world, San Jacinto will no longer remain unchronicled, as the euronologist will note April 21, 1837, as one of freedom's natal days, for Texas, with that San Jacinto, her Goliad and the Alamo, breathes, trumpet-tongued, as perpetual a defiance to tyranny as Marathon, Thermopylae or Salamis, Alk Moor, Haarlem or Leyden, Bunker Hill, Saratoga or Yorktown. But, as the day is merged into the darkness of night, so must the reflections of the past, pleasant though they be, be obscured by the shadow of parting. Scarce a twelve-month has passed since some of us parted with all reasonable expectation of again meeting as an unbroken band. But alas for the shortsightedness of mortals! within that time three of those who contributed their counsels to the benefit of the commonwealth have been stricken down, and they have been called, as we feel, from time to eternity, from earth to heaven. When our summons comes and our exit is made from the stage of human action, I trust it will be, like them, to go up higher, and that we may, like them, lay aside the cares of earth for wreaths of glory unfading and immortal.

Mr. President, Senators, brother officers and co-employees, I can but say with all the honesty and sincerity of an honest and sincere heart for this testimonial of your confidence and regard, I thank you! I thank you!! And I pray that your future moments will follow one another in unbroken succession, commingling like drops of water from the great stream of time, which, flowing past flowery banks and lulling you, with its gentle murmur, glide even away as, your lives, like some vast river deepening towards the sea, slowly and calmly, silently and deep, may join eternity. God bless and God speed each and all of you.

But one more word: farewell—

"A word that hath been and must be,
A sound which makes us linger yet, farewell."

On motion of Senator Henderson, it was unanimously resolved that the remarks of Gov. Storey and Col. Whitehead be spread upon the journals of the Senate, which has accordingly been done.

Recess expired.

Lieutenant-Governor Storey called the Senate to order.
(Senator Houston in the chair.)

Senator Homan offered the following resolution:

Resolved, That the thanks of the Senate be, and are hereby tendered, to the Hon. L. J. Storey, Lieutenant-Governor and President of the Senate, the Hon. Marion Martin, President pro tem., the secretaries, clerks, sergeant-at arms, doorkeeper and other officers and employees of the Senate, for the faithful, impartial and courteous manner in which they have discharged the duties of their respective stations during this session.

In moving the adoption of the resolution Senator Homan said:

MR. PRESIDENT—Arduous as the duties of Senators have been during the session, it has been a source of great pleasure to me, as I doubt not it has been to all of us, to be associated with officers and employees who, from the highest to the lowest, have been zealous in the effort to make those duties pleasant ones. I would not be guilty of the injustice of tend ring a merely formal courtesy to our officers and employees in this resolution. It is a just and cheerful tribute which every Senator will be glad to render to efficiency, impartiality and earnest devotion to the public service, and as such I move the adoption of the resolution, and call for the ayes and nays thereon.

Resolution adopted by the following unanimous vote:

YEAS—29.

Buchanan,	Davenport,	Harris,
Burges,	Davis,	Henderson,
Burton,	Duncan,	Hightower,
Cooper,	Gooch,	Homan,

Houston,	Patton,	Swain,
Lair,	Rainey,	Terrell,
Martin,	Ross,	Tilson,
McLane,	Shannon,	Weatherred,
McDonald,	Stewart,	Wynne,
Moore,	Stubbs,	

NAYS—none.

(The President in the chair.)

Senator Cooper offered the following report:

COMMITTEE ROOM,
AUSTIN, May 5, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 47, "An act to suspend the collection of taxes due in organized counties from the year 1871 to 1876, inclusive."

Substitute Senate bill No. 25, "An act to authorize the Secretary of State to purchase for the use of the State of Texas the Texas Reports and to contract for the relinquishment of the copyright of said reports, with persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State."

Senate bill No. 50, "An act to release certain inhabitants of Plano, county of Collin, from the payment of taxes assessed and now due for the year A. D. 1881, in consequence of a great public calamity."

Senate joint resolution No. 2, "Joint Resolution granting leave of absence to the Hon. J. D. McAdoo, County Judge of Washington county, and the Hon. J. H. Davis, County Judge of Franklin county, and the Hon. John C. Robertson, Judge of the Seventeenth Judicial District, and the Hon. William Charlton, County Judge of Kaufman county."

And substitute Senate bill No. 49, "An act to amend section 8 of an act to amend the caption and sections 1, 2, 3, 4, 5, 6, 7 and 8, of an act entitled 'an act to provide for the sale of alternate sections of lands in organized counties as surveyed by railroad companies and other works of internal ternal improvement, and set apart for the benefit of the common school fund; to provide for the investment of the proceeds, and to repeal all laws in conflict therewith, approved July 8, 1879, and to provide for the sale of such land in unorganized counties,'" and find the same correctly enrolled and properly signed, and this day, at 2:53 o'clock p. m. presented the same to the Governor for his signature.

COOPER, Chairman.

Senator Gooch offered the following resolution:

Resolved, That the Calendar Clerk of the Senate be required to make lists of all bills and other property in his possession, and deposit the same with the Secretary of State, take his receipt therefor and deposit it with the Comptroller for preservation; provided, five days shall be allowed to perform said service, and that he be paid therefor for said time.

Adopted.

The President gave notice of signing House bill No. 30, "An act to prohibit railroad companies, their officers, agents and employees, from making excessive charges for carrying freight," etc.

Also, Senate joint resolution No. 2, granting leave of absence to Hon. J. D. McAdoo, of Washington county.

Also, "An act to amend articles 3602, 3603, of chapter 10 of the Revised Civil Code, entitled 'of hiring county convicts,' and to create article 3603b."

Also, substitute Senate bill No. 49, "An act to provide for the sale of alternate sections of land in organized counties, as surveyed by railroad companies and other public works," etc.

A message was received from his Excellency, the Governor, as follows:

EXECUTIVE OFFICE,
AUSTIN, TEXAS, May 5, 1882.

To the Honorable Senate and House of Representatives in the Legislature assembled:

I herewith return the following list of bills passed and approved during the present session, up to the present time, May 5, 1882. For the information of members, that their constituents may be assured of it, I will state that the congressional apportionment bill will be allowed to become a law without my approval. Not having participated in its construction, I am not entitled to the credit for any merits which it may possess, and as Governor I find no good and sufficient reason for interfering to prevent it becoming a law, as it has been passed by the law-making power of the State.

Respectfully submitted,

O. M. ROBERTS, Governor.

Substitute House bill No. 60, An act making appropriations for the support of the State government for the period of time beginning March 1, 1882, and ending February 28, 1883.

Approved May 5, 1882.

House bill No. 59, An act for the relief of persons, firms or associations of persons, who have procured license and complied with the law authorizing them to pursue the occupation of liquor dealers, where they have been or may be prevented from pursuing such occupation on account of the adoption of local option, and to make an appropriation therefor.

Approved May 5, 1882.

House bill No. 27, An act to provide for the publication and binding of one thousand copies of the Revised Statutes, Penal Code and Code of Criminal Procedure of the State of Texas, with the constitutions and appendix thereto, and to make an appropriation therefor.

Approved May 5, 1882.

Substitute House bill No. 97, An act to further provide for the supervision and management of the construction of the new State capitol building, and to make an appropriation therefor.

Approved May 5, 1882.

EXECUTIVE OFFICE,
AUSTIN, May 5, 1882.

To the Honorable Senate and House of Representatives in the Legislature assembled:

Upon your adjournment, I desire to return my grateful acknowledgments to the Seventeenth Legislature for the many useful measures that have been passed, and the people of the State for their uniform support of the administration of the State government during the time you have been their representatives in the Legislature.

Hoping that you will meet with a happy greeting upon your return to your homes, I respectfully bid you adieu, and subscribe myself your obedient servant,

O. M. ROBERTS, Governor.

Senator Swain submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 4, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Penitentiaries, to whom was referred Senate bill No. 30, to be entitled "An act to make appropriations for completing improvements of the Rusk penitentiary, for libraries for the Rusk and Huntsville penitentiaries, and to enable the Governor to pay the expenses of the penitentiaries should the State resume control of same," have had the same under consideration, and I am instructed to report the bill to the Senate with the recommendation that it be laid on the table, as the object sought has been made in the general appropriation bill.

SWAIN, Chairman.

Adopted.

The Lieutenant-Governor then delivered the following address:

SENATORS—In response to the resolution just adopted, I beg to return my grateful acknowledgments for this and the uniform kindness I have received at the hands of the Senate, her officers and employees during the time I have presided over the Senate. I have, doubtless, committed blunders in my rulings upon questions, but it

has so happened that no appeal has ever been taken from any rulings made by me.

The last hours of the last session of a Legislature is not unlike the dissolution of family ties. Coming from different sections of the State, we meet as comparative strangers, but, after many months of public service together, ties of friendship grow up and ripen into bonds of affection to make sad the hour of parting.

By the sovereign voice of the people of Texas the Seventeenth Legislature was spoken into existence. Its labors have been great and its acts have passed into history, whether for the weal or woe of the country time will tell. I doubt not its enactments during the first session will compare favorably with its predecessors. That it has failed to respond to the demands of the times on some important measures at this session, is not, perhaps, the fault of the Senate. But, if we are to judge the future by the past, there is no reason for despondency, because the financial balance sheet of the State of Texas is in as healthy a condition as that of any government on earth. Our constituents know and fully realize the force of this assertion. They know and realize the fact that, while the cash balance in the treasury has increased from many thousand dollars *worse than nothing* to a handsome surplus, the public debt is being paid off and discharged, the rate of interest greatly reduced, and the rate of taxation decreased by this Legislature on the ad valorem tax twenty cents on the one hundred dollars worth of property, the poll tax from two dollars to one dollar and fifty cents, and the occupation tax reduced at least thirty per cent, with a bright hope for the future for a further reduction of the public debt and for a further reduction of the taxes. The people can but approve the policy, and in their judgment unholy will be the hand that attempts to strike such a policy. In retiring from the capital of the State to return our several trusts to the people who gave it, let us hope that those who come after us may, in the light of experience, be able to correct our errors and perpetuate our good works.

Let us hope that whatever has been left undone to perfect our educational system and to secure to the people the "University of Texas," so greatly desired by our patriot fathers, and so necessary to complete and perfect the education of the youths of Texas, may yet be accomplished by those who may come after us.

Let us hope for a continuance of the financial policy which has so greatly reduced taxation, and at the same time decreased the public debt, strengthened the public credit, driven the warrant shavers from the field, and enabled the servants and creditors of the State, under the "pay-as-you-go policy," to receive dollar for dollar on their warrants at the counter of the Treasury.

Shall this policy be reversed; and shall we, by a reversal of this policy, drift back into the hands of the money changers, where we so disgracefully tarried for so many years? Never no, never while patriotism breathes in the hearts of the people of Texas, and while true statesmanship guides the ship of state.

Prayer was then offered by Rev. R. K. Smoot, D. D., Chaplain of the Senate, when Lieutenant Governor Storey declared the Senate of Texas of extra session Seventeenth Legislature adjourned sine die.